

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

1 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-31911
Brian Ballentine Judge: Michael B. Kaplan

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: March 5, 2020
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: WSW Initial Debtor: BB Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 515.00* per month to the Chapter 13 Trustee, starting on 5/1/2020 for approximately 48 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

*Plus amounts paid in prior to plan confirmation. \$920 paid in through 2/29/2020. March payment of \$230.00 made 3/5/2020.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Two of four student loans may be canceled by U.S. Department of Education/NELNET because Burlington College closed. Petition schedules these claims as disputed. Student loans are Parent Plus loans. \$28,973.01 is due. Mr. Ballentine is only obligor on these loans.

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ PNC Mortgage to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \$1,605.00 per month (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2750.00
DOMESTIC SUPPORT OBLIGATION	none	

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
PNC	first mortgage debtor's home	\$3,567.00	as allowed	\$3567.00	\$1605.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Chase Auto Finance	2012 Subaru Impreza wagon 4door 20i model 126,000 miles	6,337.00	\$3,070.00	n/a	\$3,070.00	as allowed	\$3,070.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

Chase Auto Finance- notye claim bifurcation under 11 USC 506 is requested. Claim is over 910 days old on this auto loan. Contract rate is 7.040%.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
NelNet US Department of Education	nondischargeable student loans	paying in plan	as allowed. Claims are estimated at \$28,973.00 for loans not subject to cancellation.

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Chase Auto Finance	2012 Subaru Impreza wagon 4door 20i model 126,000 miles	\$6,337.72	\$3,267.00	\$3,267.00	\$3,070.72

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Debtor's counsel fees _____
- 3) Secured claims _____
- 4) Unsecured priority claims 5.) Unsecured claims _____

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/20/2019.

Explain below **why** the plan is being modified:

Amended to meet Trustee objections.
Corrected secured portion on auto loan and provided contract rate.
Corrected order of distribution. Removed information in Section 4g.
Added student loan into plan. Extended plan to 48 months.

Explain below **how** the plan is being modified:

Increased plan payment to \$515.00 per month starting 5/1/2020.
Corrected order of distribution, added contract interest rate on Impreza auto being crammed down. Removed Section 4g text. Extend plan to 48 months.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

Student loans to be canceled. Two loans with college that failed. US Department of Education advises these loans will be canceled.
Student loans not subject to cancellation by US Department of Education/NELNET to be paid in plan.

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: March 5, 2020

/s/Brian Ballentine
Debtor

Date: _____

Joint Debtor

Date: March 5, 2020

/s/William S. Wolfson
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Brian William Ballentine
DebtorCase No. 19-31911-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 40

Date Rcvd: Apr 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 30, 2020.

db Brian William Ballentine, 114 Musconetcong River Road, Washington, NJ 07882-3010
cr +JPMORGAN CHASE BANK, N.A., RAS Citron, LLC, 130 Clinton Road, Suite 202,
Fairfield, NJ 07004-2927

518652185 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
518580649 +Chase Auto Finance, P.O. Box 901003, Fort Worth, TX 76101-2003
518580651 +Citibank/Best Buy, Po Box 6497, Sioux Falls, SD 57117-6497
518580650 +Citibank/Best Buy, Attn: Bankruptcy, Po Box 790441, St. Louis, MO 63179-0441
518580663 +Kohls/Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
518666012 +Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
518580666 +NJ Motor Vehicle Commission, Surcharge Administration Office, P.O. Box 160,
Trenton, NJ 08601-0160

518580667 +PNC Bank, Attn: Bankruptcy Department, Po Box 94982: Mailstop Br-Yb58-01-5,
Cleveland, OH 44101-4982

518580668 +PNC Bank, 1 Financial Pkwy, Kalamazoo, MI 49009-8002
518629125 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
518580669 +Pnc Mortgage, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5433
518580670 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
518580665 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: NJ Division of Taxation, 50 Barracks Street, PO Box 269,
Trenton, NJ 08695)

518580671 +Santander Bank, Mail Code: MA1-MB3-01-21, 2 Morrissey Boulevard, Boston, MA 02125-3312
518580672 +Santander Bank, 450 Penn St, Reading, PA 19602-1011
518580676 +USAA Federal Savings Bank, 10750 McDermott, San Antonio, TX 78288-1600
518580675 +USAA Federal Savings Bank, Attn: Bankruptcy, 10750 McDermott Freeway,
San Antonio,, TX 78288-1600

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 28 2020 22:57:54 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 28 2020 22:57:51 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235

518654051 E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Capital, PO Box 130424,
Roseville MN 55113-0004

518580642 +E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Financial,
Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901

518580643 +E-mail/Text: ally@ebn.phinsolutions.com Apr 28 2020 22:57:03 Ally Financial,
200 Renaissance Ctr # B0, Detroit, MI 48243-1300

518580646 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 28 2020 23:01:54 Capital One,
15000 Capital One Dr, Richmond, VA 23238

518580644 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 28 2020 23:12:25 Capital One,
Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285

518602032 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 28 2020 23:01:23
Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

518580648 +E-mail/Text: bk.notifications@jpmchase.com Apr 28 2020 22:57:43 Chase Auto Finance,
Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076

518580660 E-mail/Text: mrdiscen@discover.com Apr 28 2020 22:57:09 Discover Financial,
Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850

518580661 E-mail/Text: mrdiscen@discover.com Apr 28 2020 22:57:09 Discover Financial, Po Box 15316,
Wilmington, DE 19850

518580656 +E-mail/Text: electronicbkydocs@nelnet.net Apr 28 2020 22:57:56
Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561

518580652 +E-mail/Text: electronicbkydocs@nelnet.net Apr 28 2020 22:57:56
Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505

518589863 E-mail/Text: mrdiscen@discover.com Apr 28 2020 22:57:09 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

518580662 +E-mail/Text: sbse.cio.bnc@mail@irs.gov Apr 28 2020 22:57:25 Internal Revenue Service,
PO Box 7346, Philadelphia, PA 19101-7346

518655770 E-mail/Text: bk.notifications@jpmchase.com Apr 28 2020 22:57:43 JPMorgan Chase Bank, N.A.,
National Bankruptcy Department, P.O. Box 29505 AZ1-5757, Phoenix, AZ 85038-9505

518580664 +E-mail/Text: bncnotices@becket-lee.com Apr 28 2020 22:57:15 Kohls/Capital One,
N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660

518582231 +E-mail/PDF: gecsed@recoverycorp.com Apr 28 2020 23:01:07 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

518580673 +E-mail/PDF: gecsed@recoverycorp.com Apr 28 2020 23:01:44 Synchrony Bank/Care Credit,
Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060

518580674 +E-mail/PDF: gecsed@recoverycorp.com Apr 28 2020 23:01:07 Synchrony Bank/Care Credit,
C/o Po Box 965036, Orlando, FL 32896-0001

518657031 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 28 2020 23:02:01 Verizon,
by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 21

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 40

Date Rcvd: Apr 28, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518580647* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
518580645* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
518580657* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561
518580658* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561
518580659* +Department of Education/Nelnet, Po Box 82561, Lincoln, NE 68501-2561
518580653* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
518580654* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
518580655* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
TOTALS: 0, * 8, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 30, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 27, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor PNC Mortgage, a Division of PNC Bank, National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Harold N. Kaplan on behalf of Creditor JPMORGAN CHASE BANK, N.A. hkaplan@rasnj.com, informationathnk@aol.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William S. Wolfson on behalf of Debtor Brian William Ballentine wwolfsonlaw@comcast.net, liza.wwolfsonlaw@comcast.net

TOTAL: 5